

IN RE:	PETITION FOR ZONING VARIANCE *	BEFORE THE
	W/S Old North Point Road, 1770	
	ft. N of c/l North Point Blvd *	ZONING COMMISSIONER
	4129 Old North Point Road	
	15th Election District *	OF BALTIMORE COUNTY
	7th Councilmanic District	
	Miller Island Propeller, Inc. *	Case No. 97-453-A
	Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4129 Old North Point Road in eastern Baltimore County. The Petition was filed by Miller Island Propeller, Inc., property owner, through J. Stanley Wheeler, President. Variance relief is requested to revise a proposed building location and building size as was previously approved in case No. 89-480-A. Specifically, the Petitioner requests relief to construct a building of 10,000 sq. ft. in lieu of the 9,000 sq. ft. previously approved in the aforesaid case. Also, a revision of the side yard setback relief granted in that case is requested for a proposed side yard setback of 15 ft. in lieu of the 6-1/2 ft. previously granted. The Petitioner also requests relief to permit a driveway and parking area not to be paved or macadamed but to have a porous stone surface and to not have the parking area spaces striped. Finally, the Petitioner requests removal of restrictions Nos. 4, 8 and 9 in the Order issued in case No. 89-480-A. All of the requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was J. Stanley Wheeler, President of Miller Island Propeller, Inc., property owner/Petitioner. Also present was Paul Lee, the engineer who prepared the site plan. The Petitioner was represented by Norman W. Lauenstein, Esquire. Appearing as interested persons/Protestants in this case were Jay

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Date

By

6/30/97
M. Horak

and Wendy Strickland, who reside immediately next to the subject property, Stephen Hubbard, Cynthia Taylor and Shirley Short.

Testimony and evidence presented was that the subject property is an irregularly shaped parcel, 1.70 acres in area, split zoned B.R.-I.M. and B.R.-A.S. The property is located in eastern Baltimore County and has frontage on its west side along North Point Boulevard and along its eastern boundary on Old North Point Road. Presently, the site is unimproved, however, the Petitioner proposes to build a single story warehouse and machine shop building on the site. The building will be rectangular in shape, approximately 200 ft. in depth and 50 ft. in width. The proposed warehouse and machinery shop will encompass 8,500 sq. ft. of the building and a proposed office the remaining 1500 sq. ft. In addition to the proposed building, the Petitioner also contemplates constructing a parking area. All of the proposed improvements are shown on the site plan.

Mr. Wheeler testified that he is the President of Miller Island Propeller, Inc., a propeller reconditioning firm which is presently located on Miller Island. He described the nature of his business at the hearing. Specifically, his company is frequently called upon to repair propellers which have been damaged or are otherwise in need of reconditioning. The business is presently located on Miller Island, however, a relocation to the subject site is envisioned. This relocation is required because additional space is needed and the current site is prone to flooding. He indicated that all repair work will be done within the building. Routinely, propellers are brought to the shop by one of the four trucks maintained by the Petitioner. The propellers are then repaired/reconditioned and returned to their owners.

Mr. Lee also testified and presented the site plan which was received into evidence as Petitioner's Exhibit No. 1. He generally described the

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Date

By

property as set forth above, and noted that variance relief had been obtained by this Petitioner in case No. 89-480-A. Mr. Lee testified that the Petitioner was requesting modification of certain of the restrictions issued in that case and additional variances within the subject case. Apparently, the building approved in the prior case was never built and the plan is being modified.

Testimony was also offered by a number of neighbors from the surrounding locale. Among those testifying were Mr. and Mrs. Jay Strickland who reside immediately next to the site at 4201 Old North Point Road. That property is shown on the site plan as being owned by J. W. Daily. However, Mr. and Mrs. Strickland have purchased the property from Mr. Daily and presently reside thereon. Most of the Protestants who testified described problems in the area as they relate to storm water runoff and flooding. Although not necessarily objecting to the business, they are concerned about the construction and increased area of impervious surface on the property. It is to be noted, however, that the Petitioner's plan does show a proposed storm water management facility for the site.

The first variance under consideration relates to the size and location of the building. As noted above, the Petitioner now proposes a 10,000 sq. ft. building in lieu of the permitted 9,000 sq. ft. It was indicated that the additional size was necessary to accommodate the Petitioner's business and provide needed office space.

Based upon the testimony and evidence presented, I am persuaded to grant this variance in that the size of the proposed building (10,000 sq. ft.) appears appropriate for the property.

The second variance requested is actually for lesser relief than was previously granted. Under the prior site plan, the proposed building was to be located within 6-1/2 ft. of the property line. However, the Peti-

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Date

By

tioner has reconfigured the building so that a 15 ft. setback can be maintained. In that this is a greater distance, there will be less impact to the adjacent property on that side, and variance relief should be granted.

The third variance requested relates to the driveway and parking areas. The Petitioner has requested that these not be paved with macadam but to have a porous stone surface so as to promote better drainage and prevent storm water runoff. Particularly in view of the neighbors' testimony, I am persuaded that the variance should be granted. To deny this variance would further exacerbate an already difficult flooding problem in the area. Moreover, in view of the fact that the parking area will not be macadamed or paved, same cannot be striped.

The Petitioner also requests revisions of the restrictions set forth in the prior Order. It should first be noted that revisions of restrictions Nos. 1, 2, 3, 5, 6, 7 and 10 are not sought. Thus, they shall remain in full force and effect. In this regard, it should be noted that because of the new owners of the adjacent property, the landscaping/buffering along that property line shall be by agreement between the Petitioner and Mr. and Mrs. Strickland. That is, restriction No. 2 shall remain, however, Mr. and Mrs. Strickland shall be substituted for Mr. Daily, in view of the fact that they presently own the property.

As to the other restrictions for which revision is sought, restriction No. 4 limits the hours of operation to a single day light shift plus reasonable overtime. Reasonable overtime is further defined as no more than 5 employees at work during the hours of 6:00 P.M. to 6:00 A.M. Mr. Wheeler testified that, occasionally, particularly during the summer hours, emergency work will be necessary and his repair facility might be in operation until as late as 8:00 P.M. He also indicated that all work

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Date

By

6/26/97
M. Howard

will be done within the building. Based on this testimony, I will strike restriction No. 4 and modify same. The business, from Memorial Day to Labor Day, cannot operate earlier then 6:00 A.M. or later then 8:00 P.M. During the balance of the year, the hours of operation shall be from 6:00 A.M. to 6:00 P.M. Additionally, all work, including storage of materials, shall be inside the building. I will not regulate the number of employees who may work, for so long as they only work during the hours prescribed above, and within the subject building.

The second restriction at issue, No. 8, requires that no more than 25 people shall be employed by the business. I will not revise this restriction. In this regard, Mr. Wheeler testified that he presently has only 13 employees. The number allowed by this restriction allows nearly the doubling of that work force by right. If additional employees beyond that number are needed, a Petition for Special Hearing can be filed in the future to modify this restriction. This will give the neighbors and other interested persons an opportunity to observe the actual operation of the business and appreciate its impacts. If the need arise in the future for an alteration or elimination of this restriction, the Petitioner shall be without prejudice to request same.

The final restriction at issue, No. 9, permits a representative of the Zoning Enforcement Office to make an inspection of the subject site to ensure compliance with this Order. The Office of the Zoning Inspector already has this right under law. I see no reason to remove this restriction.

Lastly, the neighbors requested an amendment to the site plan to increase the height of a proposed stockade fence, identified in restriction No. 3, from 6 ft. to 8 ft. This is requested so as to further buffer this commercial operation from the surrounding residences. In that the

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Date

By

Petitioner is required, under the prior Order, to construct the 6 ft. fence, an increase in this height is particularly appropriate. Thus, restriction No. 3 entered in case No. 89-48-A shall be revised to require the construction of an 8 ft. high fence.

Moreover, Zoning Plans Advisory Committee (ZAC) comments were offered in this case. One of particular note is from the Department of Environmental Protection and Resource Management (DEPRM), which requires compliance with the Chesapeake Bay Critical Area regulations and those regulations adopted to protect water quality, streams, wetlands and flood plains. The Petitioner shall, in fact, develop this site in accordance with these restrictions. DEPRM shall be charged with ensuring that construction is appropriate and does not aggravate existing flooding problems in the area.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June 1997 that approval to revise a proposed building location and building size as was previously granted in case No. 89-48-A, namely approval to construct a building of 10,000 sq. ft. in lieu of the 9,000 sq ft., and a side yard setback of 15 ft. in lieu of 6-1/2 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval to allow a driveway and parking area not to be paved or macadam but to have a porous stone surface and to not have the parking area spaces striped, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval to remove restrictions No. 4 in the Order issued in case No. 89-480-A, be and is hereby GRANTED, in accordance with the modification set forth hereinabove; and,

ORDER RECEIVED FOR FILING

Date

By

6/26/97
M. J. G. rad

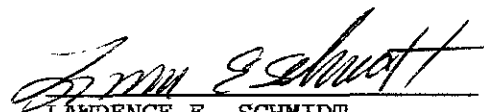
IT IS FURTHER ORDERED that approval to remove restrictions No. 8 & 9 in the Order issued in case no. 89-480-A, be and is hereby DENIED; subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, DEPRM, dated April 28, 1997, are adopted in their entirety and made a part of this Order.

3. All work at the business to be granted on this subject property shall be done indoors, including the storage of materials, and the business shall not operate earlier then 6:00 A.M. nor later then 8:00 P.M. each year from Memorial Day to Labor Day; nor earlier then 6:00 A.M., nor later then 6:00 P.M. during the rest of the year.

4. The fence identified in restriction No. 3 in the Order issued in case No. 89-480-A shall be 8 ft. in height.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 6/26/97
By M. G. Ward

IN THE MATTER OF
THE APPLICATION OF
MILLER ISLAND PROPELLER, INC.
FOR VARIANCE ON PROPERTY
LOCATED ON THE WEST SIDE OLD
NORTH POINT ROAD, 1770 FT. N
OF THE C/L NORTH POINT BLVD.
(4129 OLD NORTH POINT ROAD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-453-A

* * * * *

ORDER OF DISMISSAL



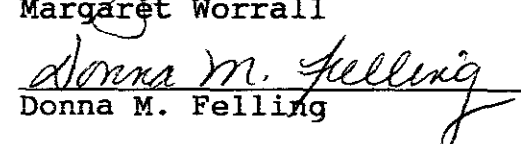
This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated June 26, 1997 in which the subject Petition for Variance was granted in part and denied in part.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petition for Variance filed by J. Stanley Wheeler, President, Miller's Island Propeller, Inc., Petitioner, filed December 23, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petition for Variance filed in this matter be withdrawn and dismissed as of December 23, 1997, pursuant to attached letter of withdrawal;

IT IS HEREBY ORDERED this 6th day of January, 1998 by the County Board of Appeals of Baltimore County that said Petition for Variance be and the same are hereby **WITHDRAWN AND DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Charles L. Marks, Acting Chairman

Margaret Worrall

Donna M. Felling



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

January 6, 1998

Mr. and Mrs. Paul Isner, et al
4206 Old North Point Road
Baltimore, MD 21222

RE: Case No. 97-453-A
Miller's Island Propeller, Inc.
- Petitioner

Dear Mr. & Mrs. Isner:

Pursuant to Petitioner's withdrawal of Petition for Variance in the subject matter, enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco for".

Kathleen C. Bianco
Administrator

encl.

cc: Mr. and Mrs. Jay Strickland
Mr. Stephen Hubbard
Ms. Cyrethia Taylor
Ms. Shirley Short
Mr. and Mrs. Thad Isner
Norman Lauenstein, Esquire
J. Stanley Wheeler, President
Miller's Island Propeller, Inc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 26, 1997

Norman Lauenstein, Esquire
809 Eastern Boulevard, Suite 300
Baltimore, Maryland 21221

RE: Petition for Variance
Case No. 97-453-A
Property Location: 4129 Old North Point Road
Miller Island Propeller, Inc., Petitioner

Dear Mr. Lauenstein:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. Paul Lee, 304 West Pennsylvania Avenue, Towson Md. 21204
Mr. and Mrs. Jay Strickland, 4202 Old North Point Road, Baltimore, Md.
21222
Mr. Stephen Hubbard, 4205 Old North Point Road, Balto. Md. 21222
Ms. Cynthia Taylor, 4209 Old North Point Road, Balto. Md. 21222
Ms. Shirley Short, 4204 Old North Point Road, Balto. Md. 21222



RE: PETITION FOR VARIANCE	*	BEFORE THE
4129 Old North Point Rd, W/S Old North		
Pt Rd, 1770' N of c/l North Point Blvd	*	ZONING COMMISSIONER
15th Election District, 7th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Miller Island Propeller, Inc.		
Petitioner	*	CASE NOS. 97-453-A
* * * * *	*	* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Norman W. Lauenstein, Esq., 809 Eastern Blvd., Suite 300, Baltimore, MD 21221, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4129 Old North Point Road

97-453-A

which is presently zoned

BR-IM &
BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: ENGINEER:

PAUL LEE ENGR., INC.

(Type or Print Name)

Paul Lee

Signature

304 W. PENNSYLVANIA AVE.

Address

TOWSON, MD

City

State

21204

Zipcode

Attorney for Petitioner

NORMAN W. LAVENSTEIN

(Type or Print Name)

Norman W. Lavenstein

Signature

809 EASTERN BLVD STE 300

Address

Phone No

BALTO MD

City

State

21221

Zipcode

410 687 2299

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

MILLER ISLAND PROPELLER, INC.

(Type or Print Name)

Stanley Wheeler

Signature

J. STANLEY WHEELER, PRES.

(Type or Print Name)

Signature

← 9211 CUCKOLD POINT RD (447-4500)

Address

Phone No

BALTIMORE, MD

City

State

21219

Zipcode

Name, Address and phone number of representative to be contacted.

NORMAN W. LAVENSTEIN

Name

809 EASTERN BLVD STE 300 (410-687-2299)

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

2 hr.

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

mtk

DATE

4/12/97



Printed with Soybean Ink
on Recycled Paper



97-453-A

Petitioner requesting a Variance to revise proposed building location and size granted in Case #89-480A and to revise sideyard setback of 6.5' to 15' in lieu of required 30' (a Var. of 15') and building size from 9,000 S.F. to 10,000 S.F.; to allow a driveway and parking areas not to be paved or macadamed but to have a porous stone surface (see Detail approved by DEPRM) and from painting parking area strips, and to remove restrictions #4, 8, & 9.

Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

DESCRIPTION

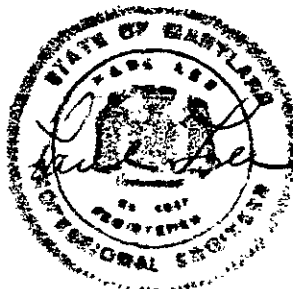
97-453-A

#4129 OLD NORTH POINT ROAD

ELECTION DISTRICT 15C7 - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of Old North Point Road, said point also being located Northerly - 1770 feet⁺ from the center of North Point Boulevard; thence leaving said west side of Old North Point Road (1) S 74°26' W - 170.00 feet, thence (2) S 15°41' E - 110.00 feet, thence (3) S 60°09' W - 253.02 feet to the east side of North Point Boulevard; thence running with and binding on the east side of said North Point Boulevard, (4) N 20°20' W - 205.00 feet, thence leaving said east side of North Point Boulevard, (5) N 58°30' E - 448.90 feet to the west side of Old North Point Road; thence running with and binding on the west side of said Old North Point Road, (6) S 15°41' E - 154.96 feet to the point of beginning.

Containing 74,052 s.f.⁺ (1.70 acres) of land more or less.



#453

J.O. 97-003
2/24/97

Engineers — Surveyors — Site Planners

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #97-453-A
4129 Old North Point Road
W/S. Old North Point Road,
1770 N of 91 North
Point Boulevard
15th Election District
7th Councilmanic

Legal Owner(s):
Miller Island Properties, Inc.

Variance: to revised proposed building location and size granted in case #09-480-A and to revise side yard setback of 6.5 feet to 15 feet in lieu of the required 30 feet and building size from 9,000 square feet to 10,000 square feet; to allow a driveway and parking areas not to be paved or macadamized but to have a porous stone surface and from parking parking areas strips and to provide re-solutions 4, 8 and 9.
Hearing: Tuesday, May 27, 1997 at 2:00 p.m. 4th floor hearing room, County Building, 4971 Bessie Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations
Please Call 867-3353.
(2) For information concerning the file and/or hearing, Please Call 867-8391.

5/04/97 May 1

C139434

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 1, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 1, 1997.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

035971

PAID RECEIPT
04/17/97 02 7 LES R 7822
DEPT 5 513 ZONING DEPARTMENT
CR NO. 035971
\$250.00 ON P-A-I-R
Baltimore County Maryland
Office Of Budget & Finance

DATE 4-16-97 ACCOUNT 01-615

By: MTK

Item: 453

AMOUNT \$ 250.00

4129 Old North

RECEIVED FROM: Millers Island Property Inc - Point Rd.

FOR: 020-Comm. Var. — \$ 250.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

040995

PAID RECEIPT
PROCESS ACTUAL TIME
7/30/1997 7/30/1997 11:13:27
REG MS06 CASHIER KNOW KNW DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 008903
CR NO. 040995
210.00 MONEY UP
Baltimore County, Maryland

DATE 7/30/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM:

Deborah Isner

FOR:

Appeal - Case #97-453-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RYE

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

040995

PAID RECEIPT
PROCESS ACTUAL TIME
7/30/1997 7/30/1997 11:38:27
REG MS06 CASHIER KNOW KNW DRAWER 6
5 MISCELLANEOUS CASH RECEIPT
Receipt # 008903
CR NO. 040995
210.00 MONEY UP
Baltimore County, Maryland

DATE 7/30/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM:

Deborah Isner

FOR:

Appeal - Case #97-453-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RYE

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-453-A

Petitioner/Developer:
(Miller Island Propeller, Inc.)
Date of Hearing/Closing:
(May 27, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

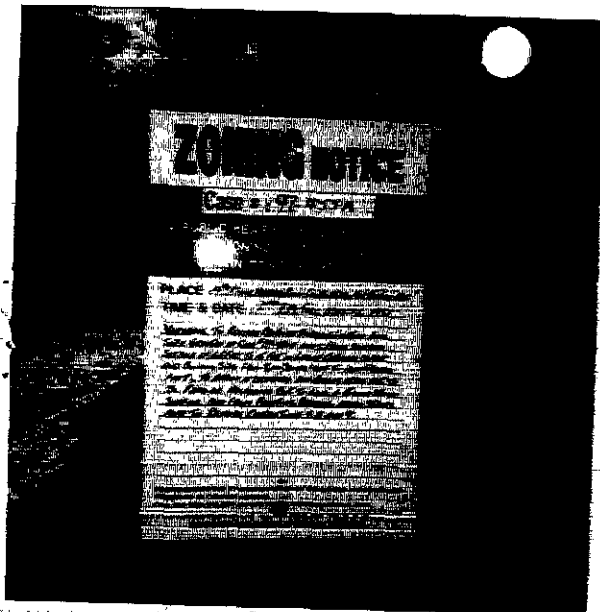
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

_____ 4129 Old North Point Road Baltimore, Maryland 21222 _____

The sign(s) were posted on _____ May 9, 1997 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____
(Printed Name)

_____ 325 Nicholson Road _____
(Address)

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

97-453-A

CERTIFICATE OF POSTING

RE: Case No.: 97-453 A

Petitioner/Developer: _____

MILLER IS. PROPELLER INC.

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

4129 OLD NORTH POINT ROAD

The sign(s) were posted on 8/8/97
(Month, Day, Year)

Sincerely,

Gary Freund 8/8/97
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

97 AUG 14 AM 10:33

RECEIVED
COUNTY BOARD OF APPEALS

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____ *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE**Case No.:** _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____ *

DATE AND TIME: _____ *

REQUEST: to permit a 15' side yard setback in lieu
of 30' and increase the building size from 9,000 sq ft to
10,000 sq ft; to permit a stone surface without striping in lieu
of macadam striping and remove restrictions 4, 8, + 9.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**HANDICAPPED ACCESSIBLE**



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 453

Petitioner: Miller Island Propeller, Inc.

Location: 4129 Old North Point Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Norman Losenstein

ADDRESS: 809 Eastern Blvd, St 300

Baltimore MD 21221

PHONE NUMBER: (410) 687-2299

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-453-A
4129 Old North Point Road
W/S Old North Point Road, 1770' N of c/l North Point Boulevard
15th Election District - 7th Councilmanic
Legal Owner(s): Miller Island Propeller, Inc.

Variance to revised proposed building location and size granted in case #89-480-A and to revise side yard setback of 6.5 feet to 15 feet in lieu of required 30 feet and building size from 9,000 square feet to 10,000 square feet; to allow a driveway and parking areas not to be paved or macadamized but to have a porous stone surface and from painting parking areas strips and to remove restrictions 4, 8, and 9.

HEARING: TUESDAY, MAY 27, 1997 at 2:00 p.m. 4th floor hearing room Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, reading "Arnold Jablon". The signature is written in a cursive, flowing style.

Arnold Jablon
Director

cc: Miller Island Propeller, Inc.
Paul Lee Engineering
Norman W. Lauenstein, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 12, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTTUXENT PUBLISHING COMPANY
May 1, 1997 Issue - Jeffersonian

Please forward billing to:

Norman Lauenstein
809 Eastern Boulevard, Suite 300
Baltimore, Maryland 21221
410-687-2299

NOTICE OF HEARING

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HEARING: TUESDAY, MAY 27, 1997 at 2:00 p.m. 4th floor hearing room Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 22, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-453-A

IN THE MATTER OF: MILLER ISLAND PROPELLER, INC. -
Petitioner 4129 Old North Point Road
15th Election District; 7th Councilmanic

(Petition for Variances granted in part; denied in part.)

Variances requested w/o exp
12/23/97
ASSIGNED FOR:

THURSDAY, JANUARY 29, 1998 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Dismissed
Kathleen C. Bianco
Administrator

cc: Appellants /Protestants

: Mr. & Mrs. Jay Strickland
Stephen Hubbard
Cyrethia Taylor
Shirley Short
Mr. & Mrs. Paul Isner
Mr. & Mrs. Thad Isner

Counsel for Petitioner
Petitioner

: Norman Lauenstein, Esquire
: Miller Island Propeller, Inc.
J. Stanley Wheeler, President
: Paul Lee

Paul Lee Engineering, Inc.

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



REPOST!
REQUEST

Case No. 97-453-A

Miller Island Propeller, Inc.

W/s Old North Point Road, 1770'
N of c/l North Point Road (4129 Old
North Point Road)

-T/C from neighbor - sign is gone!
please repost! Thanks!

-originally posted
8/8/97 by G. Freund
-2nd sign posted
, 1997

Case No. 97-453-A

Miller Island Propeller, Inc.

W/s Old North Point Road, 1770' N of
c/l North Point Blvd. (4129 Old North
Point Road)

15th District

Appealed: 7/21/97

-attached Pet. Ex. #1
Plat to accompany petition



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1997

Norman W. Lauenstein, Esquire
809 Eastern Boulevard, Suite 300
Baltimore, MD 21221

RE: Item No.: 453
Case No.: 97-453-A
Petitioner: Miller Island Propeller

Dear Mr. Lauenstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 17, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp. The stamp is partially obscured by the signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



_____ Attach original petition

Due Date 5/5/97

To: Arnold L. Jablon

From: Bruce Seeley *BS/JP*

Subject: Zoning Item #453

Miller Island Propeller

Zoning Advisory Committee Meeting of April 28, 1997

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 5, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 5, 1997
 Item No. 453

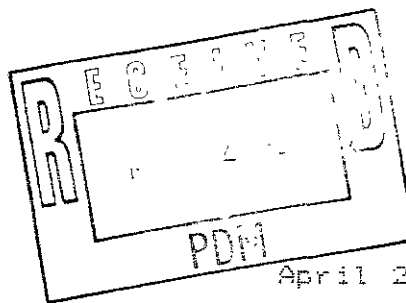
The Development Plans Review Division has reviewed the subject zoning item.

Proposal is subject to the Baltimore County Landscape Manual.

RWB:HJO:cab

cc: File

ZONE505.453



April 28, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 28, 1997

Item No.: 453, 454, 455, and 456 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 8, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 4129 North Point Road

INFORMATION

Item Number: 453

Petitioner: Miller Island Propeller, Inc.

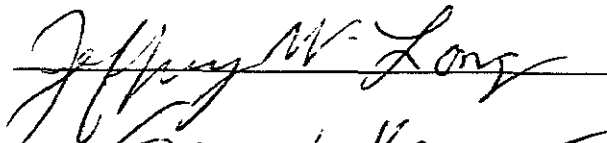
Zoning: BR-IM & BR-AS

Requested Action: Variance

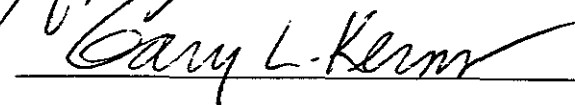
Summary of Recommendations:

This office does not oppose the requested variances. However, the restrictions imposed in Case No. 89-480A regarding the scale and hours of operation apparently reflected concerns that were expressed by neighbors at the time of the last hearing. Therefore, the applicant should be required to prove that conditions have changed regarding the impact on nearby residents in order to provide justification for the removal of the restrictions.

Prepared by:



Division Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-25-97
Item No. 453 MJK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#440 --- CAM

1. Need title of person signing for legal owner.
2. Folder says area is 54.440 -- 54.440 what???

#443 --- JRF

1. Sign form is incomplete/incorrect.

#448 --- MJK

1. Sign form is incomplete/incorrect.

#450 --- MJK

1. Sign form is incomplete/incorrect.

#452 --- MJK

1. Sign form is incomplete/incorrect.
2. Lessee on petition form does not agree with lessee on plat.
3. No legal owner signature, name, address, or telephone number on petition form.

#453 --- MJK

1. Sign form is incomplete/incorrect.

#455 --- JRA

1. Sign form is incomplete/incorrect.
2. Folder says zoning is BL & ROA; petition says ROA.

#456 --- MJK

1. Sign form is incomplete/incorrect.
2. Parking variance for what??

#457 --- JCM

1. No location description on folder (WCR wrote for agenda).
2. Zoning case number on plat is illegible.

#458 --- JRA

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#461 --- JCM

1. Plat indicates a contract purchaser; petition does not.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 30, 1997

Norman W. Lauenstein, Esquire
809 Eastern Boulevard, Suite 300
Baltimore, MD 21221

RE: Petition for Zoning
Variance
W/S Old North Point Rd.,
1770 ft. N of c/l North
Point Blvd.
(4129 Old North Point Rd.)
15th Election District
7th Councilmanic District
Miller Island Propeller,
Inc. - Petitioners
Case No. 97-453-A

Dear Mr. Lauenstein:

Please be advised that an appeal of the above-referenced case was filed in this office on July 21, 1997 by Cyrethia Taylor, Shirley Short, Paul and Deborah Isner, Jay and Wendy Strickland, Kelly and Stephen Hubbard, Jr., and Thad and Hilda Isner. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel



APPEAL

Petition for Zoning Variance
W/S Old North Point Road, 1770 ft. N of c/l North Point Blvd.
(4129 Old North Point Road)
15th Election District - 7th Councilmanic District
Miller Island Propeller, Inc. - Petitioners
Case No. 97-453-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibit: 1 - Plat to Accompany Petition for Zoning
Variance

Letter of Opposition Received July 28, 1997

Zoning Commissioner's Order dated June 26, 1997 (Granted in Part and
Denied in Part)

Notice of Appeal received on July 21, 1997 from Cyrethia Taylor,
Shirley Short, Paul and Deborah Isner, Jay and Wendy Strickland, Kelly
and Stephen Hubbard, Jr., and Thad and Hilda Isner

c: Norman Lauenstein, Esquire, 809 Eastern Boulevard, Suite 300,
Baltimore, MD 21221
Mr. Paul Lee, 304 W. Pennsylvania Avenue, Towson, MD 21204
Mr. and Mrs. Jay Strickland, 4202 Old North Point Road, Baltimore,
Maryland 21222
Mr. Stephen Hubbard, 4205 Old North Point Road, Baltimore, MD 21222
Ms. Cyrethia Taylor, 4209 Old North Point Road, Baltimore, MD 21222
Ms. Shirley Short, 4204 Old North Point Road, Baltimore, MD 21222
Mr. and Mrs. Paul Isner, 4206 Old North Point Road, Baltimore,
Maryland 21222
Mr. and Mrs. Thad Isner, 4116 Old North Point Road, Baltimore,
Maryland 21222
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

December 11, 1997

CAROLE S. DEMILIO
Deputy People's Counsel

Norman W. Lauenstein, Esq.
809 Eastern Boulevard, Suite 300
Baltimore, MD 21221

RECEIVED
COUNTY BOARD OF APPEALS
97 DEC 11 PM 5:27

Re: PETITION FOR VARIANCE
4129 Old North Point Road,
W/S Old North Point Road, 1770' N
of c/l North Point Blvd, 15th
Election Dist., 7th Councilmanic
MILLER ISLAND PROPELLER, INC.
Case No. 97-453-A

Dear Mr. Lauenstein:

This is in regard to your letter dated December 9, 1997 and a follow-up conversation with our office.

In the event that your client, the Petitioner, does not appear at the County Board of Appeals (CBA) hearing scheduled for January 29, 1998, then the Petition for Variance will be dismissed, perhaps with prejudice. As you know, while the Petition was granted by the Zoning Commissioner, the filing of the appeal causes the case to be heard de novo.

At the same time, you have told us that your client does not wish to withdraw the Petition for Variance. Unless the Petition is withdrawn, the case will be convened on January 29. In that event, this office will have to prepare for the hearing.

Under these circumstances, I would respectfully suggest that if your client still does not intend to appear and present a case, then he should reconsider whether or not the Petition for Variance should be withdrawn or dismissed without prejudice in advance of the hearing. This would save unnecessary use of time, resources, and work.

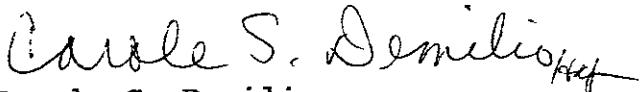
Consistent also with our conversation, I am sending a copy of your letter to the CBA.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Norman W. Lauenstein, Esq.
December 11, 1997
Page Two


Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: ✓ County Board of Appeals of Baltimore County

Appellants/Protestants:

Cyrethia Taylor, 4209 Old North Point Rd., Baltimore, MD 21222
Shirley Short, 4204 Old North Point Rd., Baltimore, MD 21222
Paul and Deborah Isner, 4206 Old North Point Rd., 21222
Jay and Wendy Strickland, 4201 North Point Rd., 21222
Stephen and Kelly Hubbard, Jr., 4205 Old North Point Rd., 21222
Thad and Hilda Isner, 4116 Old North Point Rd., 21222

LAUENSTEIN & GEPHARDT

ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
809 EASTERN BOULEVARD
SUITE 300
ESSEX, MARYLAND 21221

DEC 10 1997

NORMAN W. LAUENSTEIN
MARY E. GEPHARDT

TELEPHONE
410-687-2299

DOUGLAS C. LAUENSTEIN
OF COUNSEL

TELEFAX
410-687-2616

December 9, 1997

Peter Zimmerman, Esquire
People's Council
County Office Building
Chesapeake Avenue
Towson, Maryland 21204

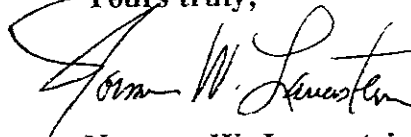
RE: Millers Island Propeller
Case No. 97-453-A

Dear Mr. Zimmerman:

This letter is on behalf of my client, J. Stanley Wheeler, in reference to the above appeal. He does not intend to participate in any appeal because the delay is causing him monetary loss. Therefore, he intends to sell the land, the subject of the appeal, and relocate elsewhere.

The purpose of this letter is a courtesy to you so you do not get ready for another hearing.

Yours truly,



Norman W. Lauenstein

NWL:krk

December 16, 1997

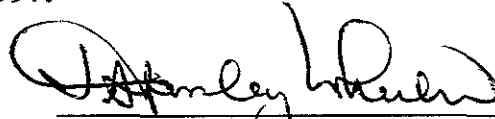
Zoning Office
Attn: Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Case No. 97-453A

Dear Sir or Madam:

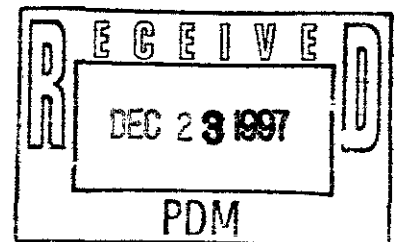
I hereby withdraw my Petition for Variance as filed in the aforementioned matter.

Signed this 21st day of December, 1997.



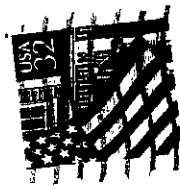
J. Stanley Wheeler, President
Miller's Island Propeller, Inc.

cc: Board of Appeals



LAUENSTEIN & GEPHARDT

ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
809 EASTERN BOULEVARD
SUITE 300
ESSEX, MARYLAND 21221



Zoning Office
Attn: Zoning Commissioner
County Office Building
Towson, Maryland 21204

December 23, 1997

TO: Deborah Isner 410-477-2833 (FAX)

FROM: Kathleen Bianco /Board of Appeals
Telephone 410-887-3180

RE: Attached letter /Withdrawal of Petition for Variance / J.
Stanley Wheeler, President, Miller's Island Propeller, Inc.

TOTAL NUMBER OF PAGES: Two (2) including this page.

Ms. Isner:

Per our telephone conversation, following is a copy of the letter of withdrawal of petition from Mr. Wheeler which was received in this office today.

An Order of Dismissal will be prepared and issued within the next week or so. Should you have any questions, please call either myself at 410-887-3180 or Peter Zimmerman at 410-887-2188.

TRANSMISSION VERIFICATION REPORT

TIME: 12/23/1997 16:46
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE, TIME	12/23 16:44
FAX NO. /NAME	94104772833
DURATION	00:01:05
PAGE(S)	02
RESULT	OK
MODE	STANDARD

Case No. 97-453-A

VAR -To revise proposed building location and building size as previously approved in 89-480-A (10,000 sf ilo 9,000 sf as approved); side yard setback of 15' ilo 6.5' previously granted; permit driveway and parking area of porous stone surface ilo paving or macadam to to not have parking area striped; and to remove restrictions 4, 8 and 9 in Order issued in 89-480-A.

3/21/97 -Z.C.'s Order in which Petition for Variance was GRANTED in part; denied as to removal of restrictions 8 and 9 of 89-480-A.

10/22/97 - Notice of Assignment for hearing scheduled for Thursday, January 29, 1998 at 10:00 a.m. sent to following:

Mr. & Mrs. Jay Strickland
Stephen Hubbard
Cyrethia Taylor
Shirley Short
Mr. & Mrs. Paul Isner
Mr. & Mrs. Thad Isner
Norman Lauenstein, Esquire
Miller Island Propeller, Inc.
J. Stanley Wheeler, President
Paul Lee Engineering, Inc. /Paul Lee
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

12/05/97 -T/C from N. Lauenstein; Mr. Wheeler (Miller Island Propeller) does not intend to go forward with his Petition for Variance, and, as he understands it, does not intend to appear for the hearing scheduled for January 29, 1998. Advised Mr. Lauenstein that, unless we had received withdrawal of petition and/or appeal in writing, the case would remain as docketed, with the matter being handled by the Board on January 29, 1998.


12/11/97 -Letter from P. Zimmerman to Norman Lauenstein -- w/attached copy of letter dated 12/09/97 from N. Lauenstein to P. Zimmerman indicating that Petitioner Wheeler does not intend to participate in the appeal, the hearing for which is scheduled for 1/29/98 -- will petition be dismissed or withdrawn prior to hearing.

12/23/97 -Letter from J. S. Wheeler, Miller's Island Propeller, withdrawing Petition for Variance; Order of Dismissal to be issued.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 28, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals 

SUBJECT: Closed File: 97-453-A /Miller Island Propeller, Inc.

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated January 6, 1998, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-453-A)

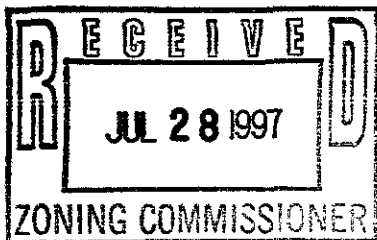
Dear Zoning Commissioner

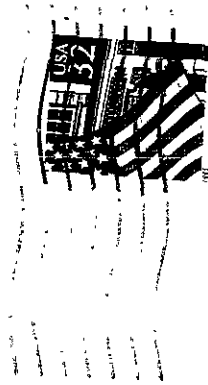
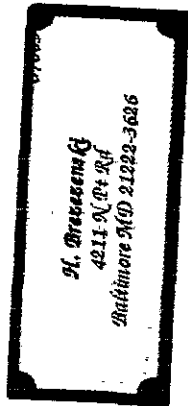
We live at 4211 Old North Point Road, the conditions are horrible around here. We have lived here since 1956, are in our 80's and would like to live out the remainder of our lives in the home we built.

We are protesting case # 97453A and wish you would help us. The traffic is terrible and we risk our life trying to get out of our driveway.

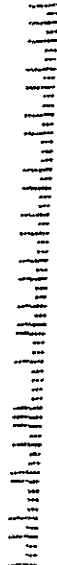
Thank you

Mrs. Eleanor Brzezinski
Henry Brzezinski





Mr. zoning Commissioner
Suite 112 Courthouse
Washington Ave
Towson, Md., 21204

21204/3333 33 

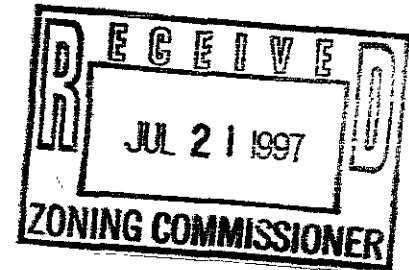
7/24/97
8
Cyrethia Taylor
4209 Old North Point Rd.
Baltimore, Md. 21222

97-3898
July 10, 1997

IN REF: Appealing Petition for Zoning Variance

Case No. 97-453-A

Sir/Madam:



When my husband and I moved to the above address in 1953, this area was zoned farming/residential and was a nice place to raise a family. There was a problem however, that never could be resolved- flooding. There is a ditch that runs between my property and the property of Steven Hubbard (Previously owned by Russell Short). A ditch also runs between the property of Shirley Short and the property of Joseph Weiner. All drainage water empties into these ditches and has overflowed causing floods of up to three feet in our yards. In 1990, we had Channel 13 NEWS at our homes because of the extreme water problems.

Many businesses such as P.T. O'Malley, Maynard Metals, Mel Benhoff, Regal Painting, Maccimni, and an electrical shop have since built in our neighborhood causing a multitude of problems such as increased flooding, noise pollution, and traffic problems. Tractor trailers travel our road all day and night causing structural damage to our properties. I have had to replace my furnace and have my chimney repaired because of water damage. Criminal activity has also invaded our neighborhood since these companies moved in.

I attended a meeting in Towson in 1990 when Mr. Joseph Weiner wanted to build another company in our area. Representation for our community was the firm of Benter & Mervis. It was determined that there would not be anything built in our area until the water problems could be corrected and to this date these problems have not been corrected.

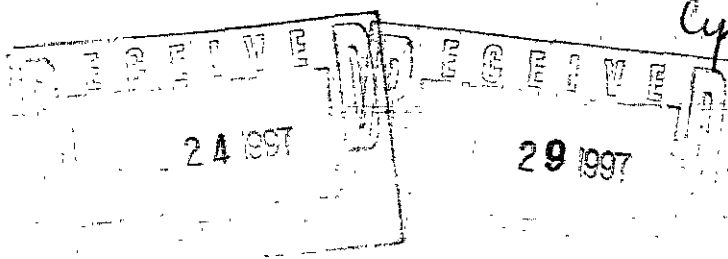
Everytime a company is granted permission to build in our neighborhood, it seems to open the door for another company to follow. This area was not intended to be an industrial park but a community of homes. What about the families that live in this area that have intended this to be their permanent residence?

There is another important fact about this area that seems to be forgotten. This road is a part of history and may soon become nothing more than asphalt that is full of pot holes and industrial debris.

Yours truly,

Cyrethia Taylor

Cyrethia Taylor



Shirley E. Short
4204 Old North Point Rd.
Baltimore, Md. 21222

July 10, 1997

IN REF: Appealing Petition for Zoning Variance

Case No: 97-453-A

Sir/Madam:

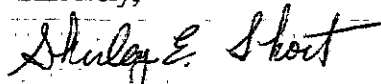
I have lived at this address for thirty three years. This area was zoned as light farming/residential. There was a total of 19 residential homes in this neighborhood up to the East Battle Grove intersection and beyond that a total of 17 homes. The main road for this neighborhood, Old North Point Road, was always like a back country road and the families living here have always experienced flooding and traffic problems.

However, these problems have increased tremendously due to industrialization of this area. One business, P. T. O'Malley built an industrial park and a lumber yard which resulted in a mass removal of trees. This caused a great deal of flooding, noise, and increased traffic. Another business, Melvin Benhoff Asphalt Co., built a public storage and paving company behind my home and that of my next door neighbors, Mr. & Mrs. Paul Eisner, resulting in water run-off onto our properties. Regal paint factory occupies what used to be a residential home which has also increased the noise and traffic on this road. Tractor trailers run this road all day and night causing our homes to vibrate. This road is barely wide enough for two tractor trailers to pass each other. At the other end of the road, they are restricted from coming onto this road. Beyond the East Battle Grove intersection, a company named Maynard Metals built a factory that at one time emitted ammonia fumes into the air which is hazardous to our health. In addition to the flooding and traffic problems, crime has risen in an area where it was almost non-existent.

In 1989 and 1990, our community had a meeting in Towson about the property located next to my home owned by a Mr. Weiner. We were represented by attorneys Benter & Mervis located at 9505 Reisterstown Road. The results of this hearing were that there would not be anything else built in this area until the State and the County could correct the water problems.

I truly believe that this area has become too congested and is being overrun. The families living in this neighborhood have invested most of their lives in their homes only to watch their neighborhood deteriorate due to the problems being created by this industrialization.

Sincerely,


Shirley E. Short

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204



Dear Commissioner,

This letter is in reference to Case No. 97-453-A and our reasons for wanting to appeal the decision that has been made. Our residence has suffered tremendously already in the amount of structural damage we have and continue to endure. Everyday the tractor trailers and large trucks that are making their deliveries to the already existing nearby businesses ride down this two lane back road shaking our homes from their foundations. To bring in another business and expect us to put up with more traffic on this small two lane road seems crazy. North Point Blvd. is a prime example of what can happen to a road that has been exposed to flooding and heavy traffic. This road is undergoing major repairs at the present time because it is caving in. We do not want to have this happen to our little two lane street. The flooding is going to continue if there is no action taken to stop the building of new buildings and cutting down of all the trees and shrubs. In my opinion I can not understand how water problems can be improved by cutting down more trees and shrubs only to replace them with bricks and rocks. Allowing this business to build without putting down blacktop is going to create more dust and dirt flying through the air. Our home is covered with steel siding and has to be frequently pressure washed now from the debris that flies around. We have to ask the question, "Don't the residents of this road deserve any consideration in this matter?"

The noise factor is also a major concern. We now already run our air conditioners even when we don't need them, just to be able to watch television and keep the house quiet from the noise outside.

If for some reason none of these statements seem to make sense to you, let us make one last appeal and that is to have the entrance and exit to this business on the North Point Blvd. side of the property. North Point Blvd. is being reinforced at the present time and is a four lane highway with plenty of room for the trucks to pull off of the road before entering the property.

Thank You,

Deborah Isner

Paul Isner

4206 Old North Point Rd.
Baltimore, Md. 21222

Mr. and Mrs. Jay Strickland
4201 North Point Rd
Baltimore, Maryland 21222

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

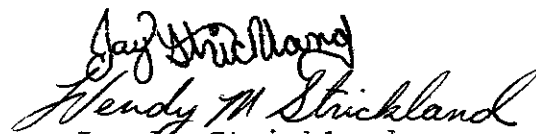
Dear Commisioner,

We are sending this letter to inform you of our desire to appeal the decisions rendered in reference to Case No. 97-453-A. We do not feel that our concerns have been addressed fairly or to our satisfaction. As the immediate neighbors to 4129 North Point Road, We feel that our flooding concerns have been overlooked, and we also feel that a new business so close to our home will disrupt our lives with the noise factor and it would jeopardize the safety of ourselves and our children by increasing traffic and bringing more strangers into our neighborhood. We disapprove of the revisions made to relieve certain restrictions, such as ;

Increasing the building size
Working past the hours of 6:00p.m.
between Memorial Day and Labor Day

One other thing we would like to address, is the fact that during the hearing held previously it was stated by Mr. Paul Lee that future plans by the county include increasing the width of our street by purchasing part of the residents properties to accomodate increasing businesses. Based on this statement we feel that we have no choice but to contest future business growth on our street. Due to the fact that our homes were exsisting on this street long before the businesses, we feel residents should be first priority, we all have invested a lot of money in our homes and should have the right to live here happily and comfortably. We should not be forced out by businesses, who may choose to change location in the future and will create yet another abandoned building in our community.

Thank You,


Jay L. Strickland
Wendy M. Strickland

July 15, 1997

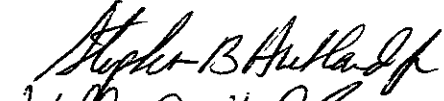

We would like to appeal the decision that was made concerning the building of a prop service company on Old North Point Road. We live at 4205 Old North Point Road and are concerned about a couple of matters.

First, we think that the hours granted in the summertime are too long. They will be allowed to work 6am-8pm in the summer months. We don't want to hear them when we get home from work. We have an infant and are concerned about the increase in noise and traffic problems so close to the house.

We also are concerned about the water management problems that will occur if they are allowed to build. We do not like the solution of building a pond on the property as a way to control the water problems. We already have numerous mosquitos in the area and adding a pond of water is not going to help matters. There is already a pond at the far end of the road by PT O'Malley's. The pond is covered in a green scum and it smells. We don't want something like that close to our house. Our yard is the low point in the neighborhood and we already have problems with our yard flooding from the runoff that exists now. We don't want anything to add to the problem.

Ideally, we would like to stop this business from being built, but if that can't be accomplished, we would like it taken into consideration the effect it will have on the people who call this area on Old North Point Road home. Please remember that this area is our home. We are worried about how the decision to let them build will affect our home.

Thank you



Stephen B. Hubbard, Jr.
Kelly A. Hubbard

July 12, 1997

Thad & Hilda Isner
4116 Old N. Point Rd.
Baltimore Md 21222

To
Baltimore Co.
Zoning Commissioner
Office of Planning & Zoning

Re: Petition for Zoning Variance
Case No. 97-453-A

1. I object to Building because,
2. Added Tracks causing Pot hole.
3. Area is a Flood prone
3. Truck Access to Old North Point Rd. instead of Main Highway North Point Blvd.)
4. Vibration to Home from Added Trucks
5. Tearing up of more wet lands.

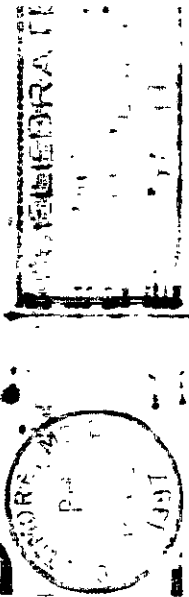
Thank You
Thad Isner
Hilda Isner

2404 NORTH Point Rd.
4204 North Point Rd.
Baltimore, Md. 21224

CERTIFIED

P 087 506 457

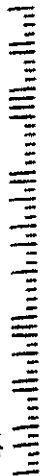
MAIL



RETURN RECEIPT REQUESTED

BALTIMORE County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Court House
400 Washington Ave

Tolson, Maryland 21204
21204/0410



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

J.S. Wheeler

Paul Lee

Norman LOHENSTEIN - Atty

9211 Cuyahoga Rd. RP
7220 Golden Ring Rd

304 W Pennsylvania Ave N120X

809 EASTERN Blvd (Expt, MI) 21221



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Jay Strickland

4201 North Point Rd

Wendy Strickland

4201 North Point Rd

Stephen Hubbard

4205 North Point Rd

Cynthia Taylor

4209 old N. P. Rd.

Shirley Short

4204 old N. P. Rd.



97-453-A

BR-IM

BR-AS

ML-IM

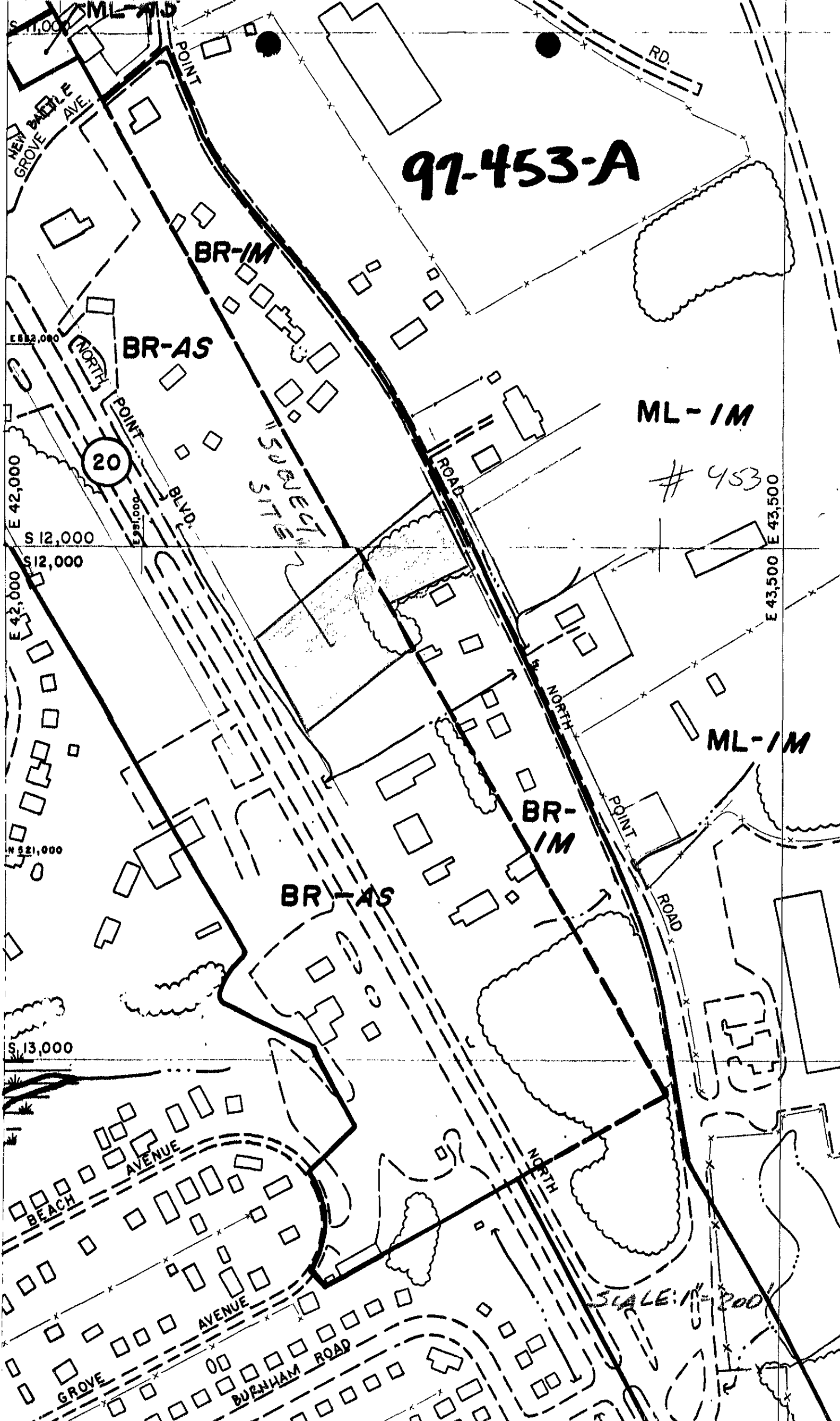
453

ML-IM

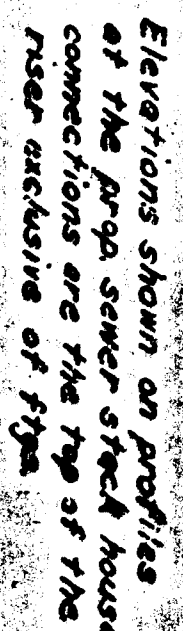
BR-IM

BR-AS

SCALE: 1" = 200'







PROFILE

[illegible]